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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

ALEXANDRIA DIVISION

JEROME SMITH

CIVIL ACTION NO. 04-0055

VERSUS

U.S. DISTRICT JUDGE DEE D. DRELL

ANTHONY J. PRINCIPI

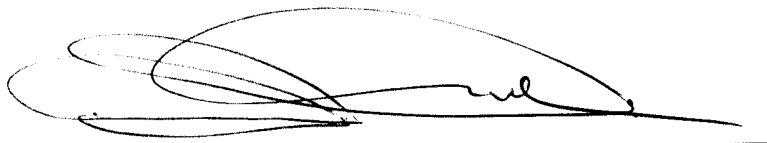
U.S. MAGISTRATE JUDGE JAMES D. KIRK

J U D G M E N T

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein, and after an independent (de novo) review of the record including the objections filed by petitioner, and having determined that the findings and recommendation are correct under the applicable law;

**IT IS ORDERED** that the complaint is dismissed for lack of subject matter jurisdiction under FRCP 12(b)(1).

**THUS DONE AND SIGNED**, in chambers, in Alexandria, Louisiana, on this 4<sup>th</sup> day of November, 2008.



Dee D. Drell  
UNITED STATES DISTRICT JUDGE